

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Erect bridge and balustrade at 1st floor level, erect fence to north-east boundary and landscaping to garden (Protected Building).

LOCATION: 30 Fountain Street, St. Peter Port.

APPLICANT: Mr K Michalkiewicz & Mr C Hards

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 01/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Sexton Green - SGL339 - 06A, 07 & Plan B - 221103-01-A.

Application Ref: FULL/2023/0140

Property Ref: A400320001

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect

unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.No development shall begin on site until details of the railings have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure that the building is of satisfactory design, does not have any adverse impact on the character of the area and the setting of the Protected Building.

5.The new steps hereby approved, leading down from the first floor doorway, shall finished using granite paving to match the rest of the terrace and steps.

Reason - To secure the satisfactory appearance of the completed development, in the interests of visual amenity and the setting of the Protected Building.

6.No use of the terraces hereby approved shall begin until all the screen fencing has been installed in accordance with the approved plans. The fences shall be retained thereafter in perpetuity unless otherwise agreed in writing by the Authority.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 31/05/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/0140
Property Ref: A400320001
Valid date: 13/03/2023
Location: 30 Fountain Street St. Peter Port Guernsey GY1 1DA
Proposal: Erect bridge and balustrade at 1st floor level, erect fence to north-east boundary and landscaping to garden (Protected Building).

Applicant: Mr K Michalkiewicz & Mr C Hards

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

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to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure that the building is of satisfactory design, does not have any adverse impact on the character of the area and the setting of the Protected Building.

5. The new steps hereby approved, leading down from the first floor doorway, shall finished using granite paving to match the rest of the terrace and steps.

Reason - To secure the satisfactory appearance of the completed development, in the interests of visual amenity and the setting of the Protected Building.

6. No use of the terraces hereby approved shall begin until all the screen fencing has been installed in accordance with the approved plans. The fences shall be retained thereafter in perpetuity unless otherwise agreed in writing by the Authority.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

INFORMATIVES

OFFICER'S REPORT

Brief Description of the site:

The property known as '30 Fountain Street' is a mid-terrace 18th century building with a retail unit at ground floor and flats above. It faces northwest directly onto Fountain Street. The attached buildings are to the northeast and southwest and there is a steeply terraced rear yard to the southeast. The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan. The property is a Protected Building.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation	X
accords with policy	X
within curtilage	X
design acceptable	X

visual amenity acceptable	X
no material neighbour impact	X
traffic not affected	X

Policies considered most relevant:

GP4: Conservation Areas
 GP5: Protected Buildings
 GP8: Design
 GP9: Sustainable Development

Conclusion/Brief comment:

This application is to erect a bridge and balustrade at first floor level, erect a fence to the northeast boundary of the Protected Building.

The creation of the bridge between the rear of the first floor of the main building and the lower terrace area would not be seen from outside of the site. Bridge links have been incorporated into the re-development of other properties within this terrace and it offers a satisfactory solution to overcome the difference in ground levels to the rear of these buildings in order to utilise the garden areas. The proposed link would be constructed of steel, blockwork and granite paving with metal balustrading and spanning 1.93m.

The erection of fencing along the northeast boundary from the lower terrace, and 600mm high fencing around the existing wall around the upper terrace, will prevent overlooking into the two neighbouring properties. The fencing and bridge will not be evident from public views.

The proposals will not have any detrimental impacts on the character and appearance of the surrounding conservation area, nor will it affect the special interest of the protected building or its setting.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Recommendation:
Grant with Conditions



Date: 01/06/2023

